other than a party to the appeal makes this request, the Board will handle the request under this part.

(d) In accordance with 5 U.S.C. 552(a)(2), the Board's final opinions and orders (including concurring and dissenting opinions), those statements of policy and interpretations adopted by the Board and that are not published in the Federal Register, and administrative staff manuals and instructions to staff that affect a member of the public are available for public inspection and copying in the Board's Headquarters Library, Room 828, 1120 Vermont Avenue NW., Washington, DC 20419.

Subpart B—Procedures for Disclosure of Records Under the Freedom of Information Act

§ 1204.11 Requests for access to Board records.

(a) *Submission of a request.* A person may request a record of the Board under this part by writing to the office that maintains the record. If the requester has reason to believe that the records in question are located in a regional office, the request must be submitted to that office. A list of the addresses of the Board's 11 regional offices appears in appendix II of 5 CFR part 1201. Other requests must be addressed to the Clerk of the Board, 1120 Vermont Avenue NW., Washington, DC 20419. Requests submitted under this part must be clearly marked ''Freedom of Information Act Request'' on both the envelope and the request.

(b) *Form.* A request must describe the records sought in enough detail to enable Board personnel to locate the records with no more than a reasonable effort. Wherever possible, a request must include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter of the record. In addition, if the request seeks records pertaining to cases decided by the Board, it must indicate the title of the case, the MSPB docket number, and the date of the decision.

(c) *Time limits and decisions.* The Board will make a decision on a request within 10 workdays after the regional office or the Office of the Clerk receives it, except under ''unusual cir-

cumstances'' as that term is defined at 5 U.S.C. 552(a)(6)(B). Where ''unusual circumstances'' exist, the Board may extend the time period for making a decision on the request by no more than 10 additional working days. When it does so, it will provide written notification of the extension to the requester. If a request or an appeal is not properly labeled or is submitted to the wrong office, the time for processing the request will begin when the proper office receives it. The Clerk of the Board or the Director of any of the Board's regional offices may make a decision on a request.

§ 1204.12 Fees.

(a) *General.* The Board will charge the requester fees for services provided in responding to and processing requests for information. Those fees will be charged according to the schedule contained in paragraph (d) of this section, and will recover the full allowable direct costs that the Board incurs. Fees may be charged for time spent searching for information, even if the Board fails to locate responsive records, and even if it determines that the information is exempt from disclosure. It will not charge the requester, however, if the fee for any request is less than $25 (the cost to the Board of processing and collecting the fee).

(b) *Definitions.* (1) The term *direct costs* means those costs that an agency actually incurs in searching for and duplicating (and in the case of commercial requesters, reviewing) documents to respond to a FOIA request. Direct costs include, for example, the salary of the employee performing work (the basic rate of pay for the employee plus 16 percent of that rate to cover benefits) and the cost of operating duplicating machinery. Overhead expenses, such as costs of space and of heating or lighting the facility in which the records are stored, are not included in direct costs.

(2) The term *search* includes all time spent looking for material in response to a request, including page-by-page or line-by-line identification of material within documents. Searches will be done in the most efficient and least expensive manner in order to minimize